



**Opening Statement of Rep. Burgess Owens (R-UT), Chairman
Subcommittee on Higher Education and Workforce Development
Hearing: “How SCOTUS's Decision on Race-Based Admissions is Shaping
University Policies”
September 28, 2023**

(As prepared for delivery)

The Committee has gathered today to discuss the aftermath of the Supreme Court decision in *Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina* and to explore the future possibility of college admissions without racial discrimination.

The Court, in a 6-2 decision, held that race-based admissions are a violation of the Constitution and a violation of the *Civil Rights Act*. For too long, the gatekeepers of postsecondary education have treated applicants differently based on the color of their skin. For far too long, within the walls of our education institutions, generations of Americans have been taught to accept the theory of eugenics as normal. This theory assumes that, as a race, black Americans think with their skin, that based on their skin color, they are monolithic in their politics, reasoning, and, most importantly, their intellectual potential. Those who do not fit within certain expectations and boundaries are considered traitors to their race.

The theory of eugenics has a prescribed baseline of expectations. This baseline accepts as a fact that the white race is inherently “intellectually” superior, privileged, and destined to dominate other races. It also views the black race as inherently hopeless, hapless, and forever broken due to slavery 200 years ago.

Not taught is our history as national leaders for our love of faith, family, free market, and education. Americans are always shocked to hear that the black community once led our nation in categories of success that all communities sought. During the 1940s-60s, black men led our nation in the percentage matriculating from college,

commitment to marriage, and percentage of entrepreneurs—40 percent. This led to a thriving middle-class community of 50 to 60 percent. Today's history is purposely silent on this community's commitment to hard work, grit, tenacity, resilience, intellect, loyalty, and leadership. Instead, this story has been transformed into one of hopeless oppression.

Through decades of demeaning messages, our country has accepted that black Americans are overall incapable of intellectually competing against white Americans through merit. Affirmative action has been the Trojan Horse for that message. Again, we see the soft bigotry of low expectations.

Thankfully, the Supreme Court has recently granted us a major win for equal opportunity and meritocracy, the two principles essential for the attainment of the American Dream.

Students across America—whether black, white, Asian, Hispanic, or other—will now be able to realize their potential without fear of overt racial discrimination or the demeaning soft bigotry of low expectations.

We're already seeing that the change to a race-blind, merit-based acceptance is slowing the insidious pace of the radical Left's agenda. For example, the Columbia Law Review temporarily froze hiring because the Court's ruling disrupted their longstanding practice of selecting senior editors based on race versus merit. Columbia Law Review has since resumed hiring without unfairly discriminating, and hopefully, more law schools follow this example.

As our nation celebrates the Court's ruling, we must remain diligent in identifying those who are defiant—those who, despite the Supreme Court ruling, are determined to implement the unconstitutional policy of affirmative action.

There remain administrators who have expressed their intent to selectively ignore both the substance and spirit of the Supreme Court's ruling.

Americans should never accept subversive attempts to preserve race-based admissions. I promise that this congressional body will not.

Chief Justice John Roberts was very clear when he wrote, and I quote, “Despite the dissent’s assertion to the contrary, universities may not simply establish through application essays or other means the regime we hold unlawful today. ...What cannot be done directly cannot be done indirectly. The Constitution deals with substance, not shadows, and the prohibition against racial discrimination is leveled at the thing, not the name.”

Let me repeat that, “What cannot be done directly cannot be done indirectly.”

So, to those at institutions who think the Supreme Court ruling is a “pretty please” ask, this Committee will keep a close eye as the 2024 application process unfolds. Racism, hidden or overt, will not be tolerated by this oversight body.

Tomorrow’s admissions processes must not resemble yesterday’s. Further, we will watch as the ruling disrupts the landscape of other race-based institutions across America, as they have all been put on notice.

The Constitution is colorblind. The *Civil Rights Act* is colorblind. In these tumultuous times, we should all be grateful that our democracy is steadfastly dedicated to treating everyone equally under the law, regardless of race, creed, color, or zip code.